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13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 vs.
20 MICHAEL PETTENGER,
21 Defendant.

Case No. 1:20-cr-00139-DAD-BAM

**STIPULATION TO CONTINUE STATUS
CONFERENCE; AND ORDER**

22 IT IS HEREBY STIPULATED, by and between the parties through their respective
23 counsel, Assistant United States Attorney David Gappa, counsel for plaintiff, and Assistant
24 Federal Defender Reed Grantham, counsel for Michael Pettenger, that the status conference
25 currently scheduled for May 12, 2021, at 1:00 p.m. may be continued to July 14, 2021, at 1:00
26 p.m.

27 The defense filed a motion to suppress in this matter on December 18, 2020. *See* Dkt.
28 #22. Following briefing from the parties, the district court held a hearing on the motion to
suppress on March 1, 2021. *See* Dkt. #31. At the conclusion of the hearing, the district court set
an evidentiary hearing for April 6, 2021, which was moved by the parties' stipulation to April
13, 2021. *See* Dkt. #31, 36. On April 1, 2021, a Superseding Indictment was issued in this case.
See Dkt. #37. On April 13, 2021, the district court granted the defense motion to suppress, *see*

1 Dkt. #22, and, on motion from the government, dismissed the initial Indictment. *See* Dkt. #42. At
2 the time, the matter was set for a status conference on April 28, 2021, at 1:00 p.m.

3 Since the issuance of the Superseding Indictment on April 1, 2021, the government has
4 provided additional discovery in the matter. The defense requires additional time to review such
5 discovery, consult with his client, and conduct further investigation. In addition, the government
6 has provided a plea offer and defense counsel requires additional time to discuss this offer with
7 his client.

8 The parties agree that the delay resulting from the continuance to July 14, 2021, shall be
9 excluded in the interests of justice because it results from a continuance granted by the Court at
10 defendant's request on the basis of the Court's finding that the ends of justice served by taking
11 such action outweigh the best interest of the public and the defendant in a speedy trial, pursuant
12 to 18 U.S.C. § 3161(h)(7)(A).

13
14 Respectfully submitted,

15 PHILLIP A. TALBERT
16 Acting United States Attorney

17 Date: May 7, 2021

18 /s/ David Gappa
19 DAVID GAPPY
20 Assistant United States Attorney
21 Attorney for Plaintiff

22 HEATHER E. WILLIAMS
23 Federal Defender

24 Date: May 7, 2021

25 /s/ Reed Grantham
26 REED GRANTHAM
27 Assistant Federal Defender
28 Attorney for Defendant
MICHAEL PETTENGER

ORDER

IT IS SO ORDERED. The status conference currently scheduled for May 12, 2021, at 1:00 p.m. is hereby continued to **July 14, 2021, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.**

IT IS FURTHER ORDERED THAT the period of time through July 14, 2021, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: May 7, 2021

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE